

REMARKS

Claims 1-22 are pending in this application. The Examiner has restricted the claims to two groups:

Group I - claims 1-6, 10, 12-17, and 21, drawn to an isolated polynucleotide comprising specific sequences and variants thereof, recombinant expression cassette and a host cell; and

Group II - claims 7-9, 11, 18-20 and 22, drawn to a method of transforming a plant and transgenic plant.

For each of the inventions above, the Examiner is also restricting Applicant to one of the following under 45 USC 121:

(A) SEQ ID NO:5;

(B) SEQ ID NO:10; and

(C) SEQ ID NO:22.

In response to the restriction requirement, Applicant provisionally elects with traverse to prosecute Group I-claims 1-6, 10, 12-17, and 21 and (C) SEQ ID NO:22.

Applicant submits that no separate search is required to search the non-elected group and requests reconsideration.

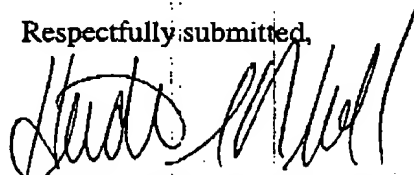
Applicant respectfully submits that Inventions (A)-(C) are related and in the instant case are not different inventions because SEQ ID NO:5 contains the nucleotide sequence of trAPAO, SEQ ID NO:10 contains the nucleotide sequence of trAPAO with an additional lysine, and SEQ ID NO:22 contains the full length nucleotide sequence of APAO. While trAPAO is a truncated APAO, it is still functional APAO. These polynucleotides are all capable of oxidatively deaminating the AP1 to a compound as the 2-oxo derivative of AP1 or its cyclic ketal form. Thus, having the same effect.

Moreover, Groups I and II are related because the process of using these polynucleotides is directed to degrading fumonisin or some structurally related mycotoxin.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



Heidi S. Nebel, Reg. No. 37,719
McKee, Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309
Phone: 515-288-3667
Facsimile: 515-288-1338
CUSTOMER NO. 27142

Attorneys of Record

- cr -